

IN THE UNITED STATES OF AMERICA
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:17CR00105
	§	Judge Mazzant
DEREK MYLAN ALLDRED	§	

UNITED STATES'S RESPONSE IN OPPOSITION TO
DEFENDANT'S PRO SE REQUEST FOR INFORMATION FROM COURTS
PROTECTED FILE

I. Introduction

Defendant Derek Alldred has moved this Court to grant a request “to turn over any and all documents relating to charges, payments, and credits in its possession in the Court’s file in relation to victims “DS””. (Dkt. 90 at 1). The government opposes this pro se request on the basis that defendant is currently represented by counsel. Furthermore, the government previously provided discovery in this case to the defendant’s attorney.

II. Background

The Defendant was indicted in a ten count indictment for a violations of 18 United States Code section 922(g)(1) Felon in Possession of a Firearm, 18 United States Code section 1028A Aggravated Identity Theft, 18 United States Code section 1029 Access Device Fraud, and 18 United States Code section 1341 Mail Fraud in a superseding indictment returned on September 13, 2017. The defendant entered a plea of guilty,

pursuant to a plea agreement, to the charges of mail fraud and aggravated identity theft on December 21, 2017. (Dkt. 37). On August 22, 2018 the defendant was sentenced to 240 months imprisonment. (Dkt. 77). The defendant currently has an appeal pending.

The defendant was appointed attorney James Whalen to represent him on his appeal. (Dkt. 82).

III. Argument

Defendant has a right to be represented by counsel. *Gideon v. Wainwright*, 372 U.S. 335, 344-45 (1963), or to proceed pro se, *Faretta v. California*, 422 U.S. 806, 819-20 (1975), but he does not have the right to “hybrid representation,” that is, to choose those portions of the case he wishes to conduct and leaving the rest to counsel.

The Defendant has been appointed attorney James Whalen to represent him during his appeal. It is the government’s position that he is not entitled to hybrid representation of attorney James Whalen while filing pro se motions.

In addition, the government previously disclosed the entire discovery in its possession to the defense. Although there is a protective order in place, the defendant should have had the ability to view the discovery via his appointed attorney.

WHEREFORE, PREMISES CONSIDERED, the United States respectfully

submits that the Court deny Defendant's request for information from court's protected file.

Respectfully submitted,

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United States Attorney

/s/ William R. Tatum

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing documents were delivered electronically by CM/ECF to James Whalen, attorney for Defendant, Derek Mylan Alldredd, on this the 27th day of March, 2019. In addition, due to the defendant's pro se filing, a copy of the document was mailed to defendant Derek Mylan Alldred at Lompoc USP, USM #27177-078, 3901 Klien Blvd, Lompoc, California 93436.

/s/ William R. Tatum
William R. Tatum